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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,135	07/23/2003	Charles W. Robinson	1343	8279

7590 09/15/2004

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EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,135

Applicant(s)

ROBINSON ET AL. 

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. An amendment was received from the applicant on July 28, 2004.
2. Claim 8 has been canceled.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rizzo (US 4,393,802) in view of Robinson et al. (US 6,250,245).

Rizzo discloses a watercraft, as shown in Figures 1-6, that is comprised of at least one hull, defined as Part #12, having at least one planing surface, defined as Part #34, at least one vertical step, defined as Part #26, that includes an upper portion and a lower portion, as shown in Figure 2, an onboard propulsion engine, defined as Part #61 in Figure 3B, and means for venting exhaust, defined as Parts #18, 20, 22 and 24, from said engine at said vertical step in said planing surface, as shown in Figures 1 and 2, in order to introduce gas along said planing surface, as described in lines 61-65 of column 1.

Rizzo, as set forth above, discloses all of the features claimed except for the use of an M-shaped boat hull as defined by the applicant's specification.

Robinson et al. discloses a watercraft, as shown in Figures 1-7, said watercraft having an M-shaped hull, defined as Part #1, as shown in Figures 3a-c.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a watercraft with an M-shaped hull, as taught by Robinson et al., in combination with the watercraft as disclosed by Rizzo for the purpose of providing a watercraft with a means for reducing drag on the hull of said watercraft by venting exhaust gas from an engine and introducing said gas along a planing surface of said hull.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rizzo in view of Robinson et al., and further in view of Field (US 4,989,534).

Rizzo in combination with the teachings of Robinson et al. shows all of the features claimed except for the use of a watercraft having multiple hulls with multiple planing surfaces and multiple vertical steps.

Field discloses a watercraft, as shown in Figures 1-12, that is comprised of multiple hulls, defined as Parts #16A and 17A in Figure 7, with multiple planing surfaces and multiple vertical steps, defined as Parts #19 and 19A, where a means for venting gas, defined as Part #22, is provided on each of said multiple vertical steps in order to introduce said gas along each of said planing surfaces. Said watercraft is also disclosed as having an M-shaped hull, as shown in Figure 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a watercraft with multiple hulls having multiple planing surfaces and multiple vertical steps, as taught by Field, in combination with the

watercraft as disclosed by Rizzo and the teachings of Robinson et al. for the purpose of providing a watercraft with multiple hulls having multiple planing surfaces and multiple vertical steps with a means for introducing engine exhaust at each of said vertical steps in order to reduce drag on the hulls of said watercraft.

6. Claims 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rizzo in view of Robinson et al., and further in view of Burg (US 4,587,918).

Rizzo in combination with the teachings of Robinson et al. shows all of the features claimed except for the use of a watercraft having a planing surface with multiple vertical steps and gas vent openings that face downwardly from said planing surface.

Burg discloses a watercraft, as shown in Figures 1-3, that includes a planing surface with multiple vertical steps, as shown in Figures 2 and 3, as well as gas supply ducts, defined as Part #42, that face downwardly at each of said vertical steps from said planing surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a watercraft having a planing surface with multiple vertical steps and gas supply ducts that face downwardly at each of said vertical steps from said planing surface, as taught by Burg, in combination with the watercraft as disclosed by Rizzo and the teachings of Robinson et al. for the purpose of providing a watercraft with a planing surface and multiple vertical steps with a means for introducing engine exhaust at each of said vertical steps on said planing surface in order to reduce drag on the hull of said watercraft.

***Allowable Subject Matter***

7. Claims 9-15 are allowed.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

September 10, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
9/10/04